IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of: Janne La. AALTONEN *et al.*	Confirmation No.: 6181
Application No.: 10/803,684	Examiner: Shiu, Ho T
Filed: March 18, 2004	Group Art Unit: 2457

For: SYSTEM AND ASSOCIATED TERMINAL, METHOD AND COMPUTER
        PROGRAM PRODUCT FOR UPLOADING CONTENT

Commissioner for Patents
Alexandria, VA 22313-1450

RESPONSE TO NOTICE OF NON-COMPLIANT APPEAL BRIEF

Dear Sir:

In response to the Notification of Non-Compliant Appeal Brief dated April 4, 2011, please amend the Appeal Brief dated March 28, 2011 as follows:

Please substitute the following section entitled, "Summary of Claimed Subject Matter" for corresponding Section V that began on page 2 and extended onto page 9 of the aforementioned Appeal Brief.

V.   SUMMARY OF THE CLAIMED SUBJECT MATTER

The claimed invention relates to uploading content from the sender to a recipient after determining an upload schedule relating to the time and/or manner of uploading the content. After an interruption occurs in the upload session, the sender sends to the receiver a list of

completely uploaded data packet identifiers each uniquely identifying one corresponding data packet within the upload session thereby reestablish the upload session.

Independent claim 23 reads as follows:

23. An apparatus comprising (*see, e.g.*, 32 in Fig. 4; 102 in FIG. 6, 9 and 11):

at least one processor (*see, e.g.*, 64 in FIG. 4); and

at least one memory including computer program code for one or more programs (*see, e.g.*, 66, 68 in FIG. 4),

the at least one memory and the computer program code configured to, with the at least one processor, cause the apparatus to perform at least the following,

determine to transmit an upload request for content from an apparatus via a network to a recipient, wherein the content comprising a plurality of data packets (*see, e.g.*, Abstract, page 20, lines 12-28, page 34, line 24 to page 35, line 7; 102, 104 in FIG. 6, 9 and 11);

receive from the recipient in response to the upload request, an upload schedule relating to at least one of a time and a manner of uploading the content in an upload session (*see, e.g.*, Abstract, page 20, lines 12-28, page 25, line 25 to page 26, line 3);

determine to upload the content to the recipient in accordance with the upload schedule (*see, e.g.*, Abstract, page 25, line 25 to page 26, line 3);

after an interruption occurs in the upload session, receive a list of completely uploaded data packet identifiers each of which uniquely identifies one corresponding data packet within the upload session (*see, e.g.*, page 40, lines 1-17); and

reestablish the upload session to upload to the recipient each of the remaining packets that is not completely uploaded (*see, e.g.*, page 40, line 18 to page 41, line 18).

Dependent claim 40 reads as follows:

40. An apparatus according to Claim 39, wherein the apparatus is further caused to upload the at least one information packet that enables the recipient to monitor the uploaded data packets to determine, based upon at least one information packet, the at least one information packet including information of a number of data packets to be received between the at least one information packet and an information packet immediate before or after the at least one information packet, if an interruption occurs in uploading the plurality of data packets such that the recipient receives less than the plurality of data packets of the content, and if an interruption occurs in uploading the plurality of data packets, to thereby enable the recipient to recover the content such that the recipient receives the plurality of data packets (*see, e.g.*, page 37, line 6 to page 39, line 30; FIG. 10).

Independent claim 45 reads as follows:

45. An apparatus comprising (*see, e.g.*, 36 in FIG. 3; 104 in FIG. 6, 9 and 11):

at least one processor (*see, e.g.*, 48 in FIG. 3); and

at least one memory including computer program code for one or more programs (*see, e.g.*, 54, 56 in FIG. 3),

the at least one memory and the computer program code configured to, with the at least one processor, cause the apparatus to perform at least the following,

receive an upload request for content from a sender via a network, wherein the content comprising a plurality of data packets (*see, e.g.*, Abstract, page 20, lines 12-28, page 34, line 24 to page 35, line 7; 102 in FIG. 6, 9 and 11);

determine, in response to the request, an upload schedule relating to at least one of a time and a manner of the sender uploading the content to the apparatus in an upload session (*see, e.g.*, Abstract, page 20, lines 12-28, page 25, line 25 to page 26, line 3);

receive the content from the sender in accordance with the upload schedule (*see, e.g.*, Abstract, page 25, line 25 to page 26, line 3);

track during the upload session received data packets and assembling a list of completely uploaded data packet identifiers each of which uniquely identifies one corresponding data packet within the upload session (*see, e.g.*, page 39, lines 23-30); and

after an interruption occurs in the upload session, determine to transmit the list of completely uploaded data packet identifiers to the sender for transmitting to the apparatus each of the remaining packets that is not completely uploaded (*see, e.g.*, page 40, lines 1-17).

Independent claim 58 reads as follows:

58. A method comprising:

receiving an upload request for content from a sender via a network at an apparatus, wherein the content comprising a plurality of data packets (*see, e.g.*, Abstract, page 20, lines 12-28, page 34, line 24 to page 35, line 7; 102, 104 in FIG. 6, 9 and 11);

determining, in response to the request, an upload schedule relating to at least one of a time and a manner of the sender uploading the content to the apparatus in an upload session (*see, e.g.*, Abstract, page 20, lines 12-28, page 25, line 25 to page 26, line 3);

receiving the content from the sender at the apparatus in accordance with the upload schedule (*see, e.g.*, Abstract, page 25, line 25 to page 26, line 3);

tracking at the apparatus during the upload session received data packets and assembling a list of completely uploaded data packet identifiers each of which uniquely identifies one corresponding data packet within the upload session (*see, e.g.*, page 39, lines 23-30); and

after an interruption occurs in the upload session, determining to transmit the list of completely uploaded data packet identifiers from the apparatus to the sender for transmitting to the apparatus each of the remaining packets that is not completely uploaded (*see, e.g.*, page 40, lines 1-17).

Dependent claim 75 reads as follows:

75. A method according to Claim 58, further comprising:

monitoring the received data packets to determine, based upon at least one information packet, the at least one information packet including information of a number of data packets to be received between the at least one information packet and an information packet immediate before or after the at least one information packet, if an interruption occurs in uploading the plurality of data packets such that the apparatus receives less than the plurality of data packets of the content (*see, e.g.*, page 37, line 6 to page 39, line 30; FIG. 10); and

if an interruption occurs in uploading the plurality of data packets, recovering the content such that the apparatus receives the plurality of data packets (*see, e.g.*, page 38, lines 6-17, page 39, lines 13-22).

Independent claim 80 reads as follows:

80.   A computer program product for uploading content, the computer program product comprising at least one computer-readable storage medium having computer-readable program code portions stored therein that in response to execution by a processor, cause an apparatus to at least perform the following:

receiving an upload request for content from a sender via a network, wherein the content comprising a plurality of data packets (*see, e.g.*, Abstract, page 20, lines 12-28, page 34, line 24 to page 35, line 7; 102, 104 in FIG. 6, 9 and 11);

determining, in response to the request, an upload schedule relating to at least one of a time and a manner of the sender uploading the content to the apparatus in an upload session (*see, e.g.*, Abstract, page 20, lines 12-28, page 25, line 25 to page 26, line 3);

receiving the content from the sender in accordance with the upload schedule (*see, e.g.*, Abstract, page 25, line 25 to page 26, line 3);

tracking during the upload session received data packets and assembling a list of completely uploaded data packet identifiers each of which uniquely identifies one corresponding data packet within the upload session (*see, e.g.*, page 39, lines 23-30); and

after an interruption occurs in the upload session, determining to transmit the list of completely uploaded data packet identifiers to the sender for transmitting to the apparatus each of the remaining packets that is not completely uploaded (*see, e.g.*, page 40, lines 1-17).

Dependent claim 97 reads as follows:

97. A computer program product according to Claim 96, wherein the apparatus is caused to further perform:

monitoring the received data packets to determine, based upon at least one information packet, the at least one information packet including information of a number of data packets to be received between the at least one information packet and an information packet immediate before or after the at least one information packet, if an interruption occurs in uploading the plurality of data packets such that the apparatus receives less than the plurality of data packets of the content (*see, e.g.*, page 37, line 6 to page 39, line 30; FIG. 10); and

if an interruption occurs in uploading the plurality of data packets, recovering the content such that the apparatus receives the plurality of data packets (*see, e.g.*, page 38, lines 6-17, page 39, lines 13-22).

Independent claim 102 reads as follows:

102. A method comprising:

determining to transmit an upload request for content from an apparatus via a network to a recipient, wherein the content comprising a plurality of data packets (*see, e.g.*, Abstract, page 20, lines 12-28, page 34, line 24 to page 35, line 7; 102, 104 in FIG. 6, 9 and11);

receiving from the recipient at the apparatus, in response to the upload request, an upload schedule relating to at least one of a time and a manner of uploading the content in an

upload session (*see, e.g.*, Abstract, page 20, lines 12-28, page 25, line 25 to page 26, line 3);

determining by the apparatus to upload the content to the recipient in accordance with the upload schedule (*see, e.g.*, Abstract, page 25, line 25 to page 26, line 3);

after an interruption occurs in the upload session, receiving at the apparatus a list of completely uploaded data packet identifiers each of which uniquely identifies one corresponding data packet within the upload session (*see, e.g.*, page 40, lines 1-17); and

reestablishing by the apparatus the upload session to upload to the recipient each of the remaining packets that is not completely uploaded (*see, e.g.*, page 40, line 18 to page 41, line 18).

Dependent claims 119 and 126-128 read as follows:

119. A method according to Claim 118, further comprising:

uploading the at least one information packet that enables the recipient to monitor the uploaded data packets to determine, based upon at least one information packet, the at least one information packet including information of a number of data packets to be received between the at least one information packet and an information packet immediate before or after the at least one information packet, if an interruption occurs in uploading the plurality of data packets such that the recipient receives less than the plurality of data packets of the content (*see, e.g.*, page 37, line 6 to page 39, line 30; FIG. 10), and

if an interruption occurs in uploading the plurality of data packets, recovering the content such that the recipient receives the plurality of data packets (*see, e.g.*, page 38, lines 6-17, page 39, lines 13-22).

126. A method according to Claim 78, wherein the at least one information packet further includes information uniquely describing the data packets before or after the information packet (*see, e.g.*, page 37, line 6 to page 38, line 5).

127. A method according to Claim 126, wherein information uniquely describing the data packets includes a sequence of packet cyclic redundancy checks (*see, e.g.*, page 37, lines 6-20).

128. A method according to Claim 78, wherein the number of data packets to be received between two information packets varies (*see, e.g.*, page 38, lines 6-17).

CONCLUSION

To the extent necessary, a petition for an extension of time under 37 C.F.R. §1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 504213 and please credit any excess fees to such deposit account.

Respectfully Submitted,

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